

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE

JAMES ALBERT D'ANGELO, SR. AND

CAROLYN MARIE D'ANGELO,

DEBTOR.

: CHAPTER 11

:

: BANKRUPTCY NO. 11-14926-MDC

:

JAMES ALBERT D'ANGELO, SR. AND

CAROLYN MARIE D'ANGELO,

PLAINTIFFS,

:

:

: ADVERSARY NO. 12-00301-MDC

V.

J.P. MORGAN CHASE BANK, N.A.,

DEFENDANT.

:

:

:

O R D E R

AND NOW, upon consideration of (1) the Motion for Preliminary Injunction [Docket No. 5] (the “Injunction Motion”) filed by James Albert D’Angelo, Sr. and Carolyn Marie D’Angelo (the “Debtors”), and (2) the Motion to Dismiss Adversary Proceeding or, Alternatively, Abstention dated May 7, 2012 (the “Motion to Dismiss”) filed by J.P. Morgan Chase Bank, N.A. (“J.P. Morgan”);

It is hereby **ORDERED** that:

1. The Debtors’ claims to avoid pursuant to §§544(a)(1), (2) and (3) the equitable lien imposed by an Order dated April 11, 2011 issued by the Bucks County Court to J.P. Morgan in the amount of \$1,339,387.30 are **DISMISSED** without prejudice;

2. The Debtors’ claim to avoid the Equitable Lien pursuant to §544(b) is **DISMISSED** without prejudice;

3. This Court will invoke its discretion under 28 U.S.C. §1334(c) and **ABSTAIN** from considering the Debtors’ claims to avoid pursuant to §§544(a)(1), (2), (3) and 544(b), and to otherwise determine the validity the Mortgage dated August 11, 2005; and

4. The Injunction Motion is **DENIED** due to the Debtors' failure to establish substantial likelihood of success on the merits of their claims in the Amended Complaint.



Dated: July 19, 2012

MAGDALENE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

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